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REMARKS

These Remarks are in reply to the Office Action mailed August 3, 2006. Claims 20 and 21 have been amended, and no claims have been added or canceled, such that claims 1-39 remain pending. All claims are provided above for the Examiner's convenience.

Restriction Requirement

For the reasons set forth in the Response mailed May 24, 2006, Applicant still believes the Restriction Requirement set forth in the Office action mailed April 24, 2006 to be improper. Recognizing that the Office has made the Requirement final, a petition to withdraw the Restriction Requirement is being filed with the Director of Group 3700 concurrently with this response.

Claim Objections

Claims 20 and 21 were objected to for the inclusion of informalities. These claims have been amended to overcome these informalities, and reconsideration of these claims is respectfully requested.

Specification Objections

The specification was objected to because the title of the invention was not descriptive. The title has now been amended, and reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-4, 10, 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,710,981 to Oveyssi et al. (hereinafter "Oveyssi") in view of U.S. Patent 3,955,315 to Goodman (hereinafter "Goodman").

Claim 1 requires steps of "suspending an upper voice coil motor magnet above [a] lower voice coil motor magnet" and "magnetically aligning said upper voice coil

motor magnet with said lower voice coil motor magnet during said suspending step." As the Office readily acknowledges on page 4 of the Office action, Oveyssi discloses nothing of the sort. To remedy this critical deficiency, the Office relies upon Goodman for a teaching of suspending a magnet. The ground of rejection resulting from this combination is deficient for a number of reasons.

As an initial observation, it is noted that Oveyssi discloses no method steps whatsoever, much less those critical steps identified above. Oveyssi discloses only structure. While the Office has chosen to infer that Oveyssi's device is assembled according to some of the claimed method steps, there is in fact no evidence whatsoever, that this is true.

Moreover, the Office has provided no motivation for combining the cited references. The Office action blithely states that "it would have been obvious . . . to modify an aligning process . . . by suspending an upper magnet above a lower magnet as taught by Goodman in order to align the upper and lower magnets" but cites no source for such a motivation. Oveyssi, of course, Goodman certainly does not provide it; the only object of suspending the magnet provided by Goodman is to provide "interest and amusement." If the Office has taken the position that disc drive assemblers would choose to suspend an upper voice coil magnet for purposes of amusement, it should simply say so. Otherwise, a reality-based motivation for combining these disparate references is respectfully requested.

Further, the cited references clearly represent non-analogous art and are not combinable for this reason. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). In this case, neither criterion is met by the Office's proposed combination of references. Clearly, Goodman's "Novelty Article" is not in the field of Applicant's endeavor, which is assembling disc drives. It should also be clear to any reasonable observer that while Goodman's "Novelty Article" is pertinent to the important purpose

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of amusement of onlookers, it is not reasonably pertinent to the problem of precise alignment of voice coil motor magnets.

For these reasons, withdrawal of the rejection of claim 1 and allowance thereof are respectfully requested.

Claims 2-4, 17 and 18 depend from claim 1 and are allowable for at least this reason.

**Allowable Subject Matter**

The Examiner is thanked for the indication that claims 5-9, 11-16 and 19-21 are include allowable subject matter. Because it is believed that all claims are currently allowable, Applicant has not amended the claims in accordance with the Examiner's suggestion.

**Conclusion**

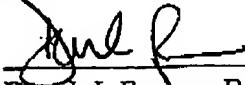
For these reasons, Applicant respectfully asserts that present claims particularly point out and distinctly claim the subject matter which is regarded as the invention. In addition, the present invention as claimed is not taught by the prior art of record or any combination thereof. Therefore, it is respectfully submitted that the pending claims are in condition for allowance, and favorable action with respect to the present application is respectfully requested.

If the Examiner is not satisfied, but minor changes would apparently put the present case in condition for allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

November 3, 2006

Date

  
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